

**TOWN OF ORONO
COUNCIL MEETING
COUNCIL CHAMBER - MUNICIPAL BUILDING**

MONDAY, OCTOBER 18, 2010 AT 7:00 P.M.

MINUTES

1. Roll Call

Moved by Tom Spitz and seconded by Tom Perry to appoint Cindy Mehnert as Chairman Pro Tem in Council Chairman Geoffrey Gordon's absence.

Present: Chairman Pro Tem Cindy Mehnert, Tom Spitz, Tom Perry, Judy Sullivan, Cindy Mehnert, Mark Haggerty and Assistant Town Manager Maria Weinberger. Absent: Council Chairman Geoffrey Gordon, Lianne Harris and Town Manager Catherine Conlow.

2. Approval of minutes of September 13 and September 20, 2010

Moved by Tom Spitz and seconded by Tom Perry to approve the minutes. All voted in favor, 5-0.

3. Presentations

a. Leadership in Energy and Environmental Design (LEED) Certification for New Construction Gold Award to the Orono Public Library

David Chase, President of the Orono Library Foundation, presented Council with the LEED Certification on behalf of the U.S. Green Building Council for achieving a Gold Award for the Orono Public Library under the New Construction rating system. He noted that it was a very impressive accomplishment. He commented that achieving the Gold Award is very difficult and credited the Library Building Committee and WBRC for the achievement. He thanked the Town Manager and Council for their support throughout the project.

b. 2010 Fire Prevention Week Poster designed by the Orono Fire Department

Fire Chief Buddy Webb and Firefighter Matt Grindle presented Council with a Fire Prevention Week poster that was designed by members of the Orono Fire Department. The theme of this year's Fire Prevention Week and the poster focused on the use of smoke detectors in preventing house fires.

4. Public Hearings

a. To consider a Victualer's License for Bell's IGA, 6 Stillwater Avenue.

Public hearing a. opened at 7:10 p.m. Code Enforcement Officer Bill Murphy reported that all inspections have been done, the business complies with all applicable codes, and staff is recommending approval of the license. No public comments were made. Public hearing a. closed at 7:11 p.m.

Order 10-187 Order, approving a Victualer's License for Bell's IGA, 6 Stillwater Avenue.

Moved by Tom Perry and seconded by Tom Spitz. All voted in favor, 5-0.

b. To consider a Victualer's License for China Garden, 6 Stillwater Avenue.

Public hearing b. opened at 7:12 p.m. Code Enforcement Officer Bill Murphy reported that all inspections have been done, the business complies with all applicable codes, and staff is recommending approval of the license. He noted that their grease trap is being maintained. No public comments were made. Public hearing b. closed at 7:13 p.m.

Order 10-188 Order, approving a Victualer's License for China Garden, 6 Stillwater Avenue.

Moved by Judy Sullivan and seconded by Tom Spitz. All voted in favor, 5-0.

c. To consider a Victualer's License for Dirigo Pines Inn, 9 Alumni Drive.

Public hearing c. opened at 7:14 p.m. Code Enforcement Officer Bill Murphy reported that all inspections have been done, the business complies with all applicable codes, and staff is recommending approval of the license. He noted that the grease trap is being maintained. Mr. Murphy commented that they may not be applying for this license next year if they decide that they do not want to provide food to the public. No public comments were made. Public hearing c. closed at 7:15 p.m.

Order 10-189 Order, approving a Victualer's License for Dirigo Pines Inn, 9 Alumni Drive.

Moved by Tom Perry and seconded by Tom Spitz. All voted in favor, 5-0.

Ms. Mehnert asked about their licensing. Mr. Murphy stated that they are required to be licensed by the State Nursing Home Administrators Board of Licensing as an Assisted Living Facility, but follow the same requirements as other food establishments for a Victualer's License.

d. To consider a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7089, 53 Main Street.

Public hearing d. opened at 7:16 p.m. Code Enforcement Officer Bill Murphy reported that all inspections have been done. He noted one minor violation that is being addressed. He commented that they are not required to have a grease trap. Mr. Murphy stated that the staff is recommending approval of the license. No public comments were made. Public hearing d. closed at 7:17 p.m.

Order 10-190 Order, approving a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7089, 53 Main Street.

Moved by Tom Spitz and seconded by Judy Sullivan. All voted in favor, 5-0.

Mr. Murphy requested that public hearing f. be taken up before public hearing e. because the business owner from Thai Orchard was present and the owner of Sushi Now was arriving later. The Council agreed.

- f. To consider a Class I - Malt, Vinous & Spirituous Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer's License for S & M Corporation, d/b/a Thai Orchard, 28 Mill Street.**

Public hearing f. opened at 7:18 p.m. Code Enforcement Officer Bill Murphy reported that all inspections have been done. He noted a change to their previous license; that the business is applying for a Special Amusement Permit to provide music. Mr. Murphy stated that there was one minor violation that has been addressed and staff is recommending approval of the licenses.

Owner Danai Srisodsai stated he would like to be able to provide soft, live music for his customers. He described the type of entertainment as soft folk, guitar, jazz, etc. No other public comments were made. Public hearing f. closed at 7:20 p.m.

Order 10-192 Order, approving a Class I - Malt, Vinous & Spirituous Liquor License for S & M Corporation, d/b/a Thai Orchard, 28 Mill Street.

Moved by Tom Perry and seconded by Judy Sullivan. All voted in favor, 5-0.

Order 10-193 Order, approving a Special Amusement Permit for Music, Dancing & Entertainment for S & M Corporation, d/b/a Thai Orchard, 28 Mill Street.

Moved by Judy Sullivan and seconded by Tom Spitz. All voted in favor, 5-0.

Order 10-194 Order, approving a Victualer's License for S & M Corporation, d/b/a Thai Orchard, 28 Mill Street.

Moved by Tom Perry and seconded by Judy Sullivan. All voted in favor, 5-0.

- e. To consider a Victualer's License for AK, LLC, d/b/a Sushi Now, 6 Mill Street**

Public hearing e. opened at 7:21 p.m. Code Enforcement Officer Bill Murphy reported that this is a new business located near Lissus Pizza. He stated that all inspections have been done and two minor violations were found and have been corrected. The remaining issue to be addressed is to have the garbage disposal removed. The staff is recommending approval of the license.

The owner of Sushi Now informed the Council that he will have his plumber remove the garbage disposal as soon as possible. He described his business as Japanese Sushi take out. He announced the hours of operation and stated he would be marketing to the University students. No other public comments were made. Public hearing e. closed at 7:28 p.m.

Order 10-191 Order, approving a Victualer's License for AK, LLC, d/b/a Sushi Now, 6 Mill Street

Moved by Tom Perry and seconded by Tom Spitz. All voted in favor, 5-0.

Mr. Murphy commented that Council could put a conditional approval on the license. The Council did not feel that was necessary because the business still needs approval from the State Health Inspector.

g. To consider Maine Municipal Association's General Assistance Ordinance Appendices (A & C), which were effective October 1, 2010 and will replace existing appendices dated October 1, 2009 to be in compliance with Title 22, MRSA, Section 4305(4).

Public hearing g. opened at 7:30 p.m. Maria Weinberger, General Assistance Administrator, explained that Orono follows the MMA guidelines. She noted that the changes to Appendices A and C reflect increases of less than \$10 per month. No other changes were made. No public comments were made. Public hearing g. closed at 7:32 p.m.

Order 10-195 Order, adopting Maine Municipal Association's General Assistance Ordinance Appendices (A & C), which were effective October 1, 2010 and will replace existing appendices dated October 1, 2009 to be in compliance with Title 22, MRSA, Section 4305(4).

Moved by Tom Perry and seconded by Tom Spitz. All voted in favor, 5-0.

Judy Sullivan asked whether the Town has thought of setting housing amounts on its own. Ms. Weinberger explained that to do so would require extensive research. She noted that MMA's amounts are sufficient for the area.

5. Acknowledgments by Council Members

Mark Haggerty acknowledged Ms. Conlow's resignation from Orono and appointment as City Manager of Bangor. He thanked her for leading the town in wonderful ways and appreciated the job that was done.

Tom Perry agreed with Mr. Haggerty's comments and noted that she will be missed. He stated it will be a significant task to replace her. Mr. Perry also acknowledged Orono Registrar of Voters Sue Hart for receiving the Lorraine M. Fleury Award for her significant contribution to the election process having served 2700 new voters and 800 address changes during the 2008 election; the greatest enrollment surge, per capita, of any municipality in the state.

Tom Spitz agreed with all the acknowledgements made. He noted that he witnessed Sue Hart doing the work during the 2008 election. He noted that he will miss Ms. Conlow, but she will not be far away.

Cindy Mehnert acknowledged the prior comments made and hoped that Sue Hart was on the mend and back to work soon.

6. Unfinished Business - None

7. Consent Agenda

Order 10-196 Order, setting October 25, 2010, 7:00 p.m. as the date for a public

hearing to receive comments on the Bennoch Road Culvert LAP Project.

- Order 10-197** Order, setting November 8, 2010, 7:00 p.m., as the date for a public hearing to consider an amendment to the Ordinances of the Town of Orono, Chapter 18 Land Use, adding Section 106-A Conditional Use Districts, “Webster Mill High-Density Residential District”.
- Order 10-198** Order, setting November 8, 2010, 7:00 p.m., as the date for a public hearing to consider an amendment to the Ordinances of the Town of Orono, Chapter 13 Environment, adding Article V Property Assessed Clean Energy (PACE) Ordinance.
- Order 10-199** Order, appointing Laurie O’Brien to the Library Board of Trustees as an Associate Member until April 2012.
- Order 10-200** Order, appointing Trudy Tremblay and Marlene Doucette to the Community Health Advisory Committee.
- Order 10-201** Order, appointing Mary Drew (Republican) and Anita Wihry (Democrat) as members of the Voter Registration Appeals Board for three-year terms expiring October 2013, and Carol Mower (Republican) and Mary Cathcart (Democrat) as alternate members for three-year terms expiring October 2013.
- Order 10-202** Order, setting the hours of voting as 7 a.m. to 8 p.m. and the polling places as the Birch Street School Senior Center in Ward 1, Precinct 1; University Memorial Union, All Purpose Room in Ward 1, Precinct 2; and the Orono Council Chambers, Municipal Building for Ward 1, Precinct 3 and Ward 2 for the November 2nd General and Referendum Election.
- Order 10-203** Order, changing the hours that the Registrar will accept registration of applicants who appear in person as follows: On the last five business days before the November 2nd General and Referendum Election, from 8:30 a.m. to 4:30 p.m. [MRSA 21A, Sec. 122.6A (2) and (8)].
- Order 10-204** Order, approving the Town Clerk’s appointment of Wardens for the November 2nd General and Referendum Election:
- Ward 1, Precinct 1 Wardens – John McDonough and Thomas Perry
Ward 1, Precinct 2 Wardens – Mark Haggerty and Thomas Spitz
Ward 1, Precinct 3 Wardens – Geoffrey Gordon and Lianne Harris
Ward 2 Wardens - Stan Borodko and Cynthia Mehnert
- Order 10-205** Order, committing a true list of sewerage service assessments to Wanda J. Thomas, Treasurer, in the amount of \$130,175.42.

Moved by Judy Sullivan and seconded by Tom Spitz to approve the consent agenda. All voted in favor, 5-0.

8. New Business

Order 10-206 Order, first reading of authorizing Issuance of up to \$4,530,000 of General Obligation Refunding Bonds and setting a second reading date of October 25, 2010.

Moved by Tom Perry and seconded by Judy Sullivan. All voted in favor, 5-0.

Ms. Weinberger stated that Bond Counsel Jim Saffian and Financial Advisor Joe Cuetara will be present at the October 25, 2010 Council Meeting at 7:00 p.m.

Order 10-207 Order, supporting a Grant Application to the Federal Emergency Management Agency (FEMA) under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program.

Moved by Tom Perry and seconded by Tom Spitz. All voted in favor, 5-0.

Fire Chief Buddy Webb stated that this grant will allow the Town to fill a vacant position for two years without the requirement to keep the person beyond that time.

Ms. Sullivan asked what was covered by the grant. Ms. Weinberger stated that the salary, benefits and regular training will be covered. Special overtime will not be covered but will happen infrequently.

Ms. Sullivan questioned what would happen if the town has budget issues. Ms. Weinberger stated that if there is a down turn in the economy, the town can apply for a waiver, and if unsuccessful the Town would have to turn back the grant.

Mark Haggerty stated that the Town should make sure to advertise that it is a two-year position. Ms. Weinberger confirmed that it would be made clear through the hiring process.

Ms. Mehert asked about the timeframe. Ms. Weinberger stated that the Town would be notified of the award in January or February 2011.

Order 10-208 Order, authorizing the allocation of \$13,402 from the FY2011 health budget, as recommended by the Community Health Advisory Committee, as follows:

**American Red Cross, Pine Tree Chapter \$1,424
Bangor Dept. of Health & Community Services \$1,875
Community Health & Counseling Services \$1,737
Eastern Agency on Aging \$3,300
Penquis CAP \$4,706**

Moved by Judy Sullivan and seconded by Tom Perry. All voted in favor, 5-0.

Ms. Weinberger stated that the Community Health Advisory Committee met to review the request and based on the funding available is recommending funding 75% of the requests that have a direct service to Orono residents. She noted that \$2000 will remain in the account to fund the flu clinic and other health related issues.

Ms. Weinberger announced that the Orono Flu Clinic will be October 22, 2010 from 3-7 p.m. in the Council Chambers.

Ms. Sullivan asked about the benefits to residents. Ms. Weinberger stated that the five entities serve over 1000 people in Orono. By spending the funds through these agencies, the Town maximizes the benefits offered to its residents.

Order 10-209 Order, authorizing the carry forwards of \$115,000 from the FY10 Budget to the FY11 Budget and \$150,000 into the Capital Equipment Reserve.

Moved by Tom Perry and seconded by Tom Spitz. All voted in favor, 5-0.

Ms. Weinberger stated that most of the carry forward amounts are the Public Works projects to be completed.

Ms. Sullivan commented that she had questions on how the amounts were calculated. Ms. Weinberger suggested she meet with the Town Clerk to review the amounts and calculations.

Order 10-210 Order, authorizing the Abatement of \$9,893.44 for Outstanding Maine Medicaid Ambulance Fees.

Moved by Tom Spitz and seconded by Judy Sullivan. All voted in favor, 5-0.

Ms. Weinberger stated that Maine Medicaid has paid its share and the balance cannot be collected from the patient so the auditors are requesting this abatement to clear up the old accounts.

Fire Chief Buddy Webb explained the process followed for billing before going to collections. He noted that different services performed account for the different amounts billed.

Order 10-211 Order, authorizing the Abatement of \$1,859.46 for Outstanding Personal Property Taxes.

Moved by Tom Perry and seconded by Judy Sullivan. All voted in favor, 5-0.

Ms. Weinberger stated that the auditors are requesting that these outstanding personal property taxes be abated because they are uncollectable mainly due to businesses that have closed or moved out of town.

Order 10-212 Order, approving an amendment to the Liquor License Application of the University of Maine, d/b/a Collins Center for the Arts to include a

Spirituos Liquor License.

Moved by Tom Spitz and seconded by Judy Sullivan. All voted in favor, 5-0.

Ms. Weinberger commented that the University applied for a Malt and Vinous license in September 2010. Since then the State has advised the University to request an amendment from the Town to include a spirituous license to serve mixed drinks. Upon approval, the Town Clerk will send a letter of approval to the State.

Brett Zeigler, from the Collins Center for the Arts, confirmed that the State is asking them to add this designation to their liquor license.

9. Future Agenda Items/Items of Concern

Mark Haggerty spoke of the urgency to take action in starting a Town Manager search. He noted that the Town's priorities have changed due to the Town Manager leaving. Ms. Weinberger noted that the Town Manager will talk with Council about the process.

Tom Perry requested that the Town Manager search process be on the Special Council Meeting agenda for October 25, 2010.

Ms. Sullivan stated that it will be important to understand and finalize the search process. It will also be important to get a list of current projects and where we are at with them.

Tom Spitz and Cindy Mehnert agreed with the other Councilors' comments on needing to formalize the process on what needs to happen next.

10. Public Petitions - None

11. Public Comments - None

12. Adjournment

At 8:10 p.m., Tom Spitz moved and Judy Sullivan seconded to adjourn. All voted in favor, 5-0.

Respectfully submitted,

Nancy W. Ward
Administrative Assistant